

IN RE:	}	Case No. 3:16-bk-03505
Alexander Dabney	}	
5877 Parliament Dr	}	Chapter 13
Columbus, OH 43213	}	
SSN: xxx-xx-8831	}	Judge Randal S. Mashburn
	}	
Debtor	}	

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS:** November 24, 2016  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE:** Wednesday, December 7, 2016 at 8:30  
a.m. in Courtroom One, Second Floor, 701 Broadway, The Customs House, Nashville, TN 37203

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**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN**

The Debtor has asked the Court for the following relief: permission to modify Chapter 13 plan.  
**YOUR RIGHTS MAY BE AFFECTED.**

If you do not want the court to grant the attached motion, or if you want the court to consider your views on the motion, then on or before November 24, 2016, you or your attorney must:

1. File with the court your written response or objection explaining your position at:

By Mail: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203  
In Person: U.S. Bankruptcy Court, 701 Broadway, Room 170, Nashville, TN 37203  
(Monday- Friday, 8:00 a.m. – 4:00 p.m.)

2. Your responses must state that the deadline for filing responses: **November 24, 2016**, the date of the scheduled hearing is: **December 7, 2016** and the motion to which you are responding is: MOTION TO MODIFY CHAPTER 13 PLAN.

If you want a file stamped copy returned, you must include an extra copy and a self-addressed, stamped envelope.

3. You must also mail a copy of your response to:

James A. Flexer, 1900 Church Street, Suite 400, Nashville, TN 37203, and see Certificate of Service for additional parties to serve (attached hereto)

If a timely response is filed, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov). If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

Date: 11/03/2016      Signature: /s/ James A. Flexer  
Name: Law Offices of James A. Flexer  
Address: 1900 Church Street, Suite 400, Nashville, TN 37203

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	}	Case No. 3:16-bk-03505
Alexander Dabney	}	
5877 Parliament Dr	}	Chapter 13
Columbus, OH 43213	}	
SSN: xxx-xx-8831	}	Judge Randal S. Mashburn
	}	
Debtor	}	

**MOTION TO MODIFY CHAPTER 13 PLAN**

COMES NOW the Debtor, by and through counsel, and would move this Honorable Court for permission to modify the Chapter 13 plan pursuant to 11 U.S.C. § 1329.

The Debtor's Chapter 13 proceeding was filed on May 16, 2016, and a plan was confirmed on July 13, 2016, paying a dividend of 80% to unsecured creditors.

As grounds, the Debtor would state the following:

1. The Debtor seeks permission to modify his Chapter 13 plan because the Debtor is now legally blind and had to move back to Ohio to be near family. Due to the Debtor's disability, the Debtor had to take a new job which has reduced his income substantially.
2. The Debtor seeks permission to modify his plan to reflect these changes.
3. The Debtor's Chapter 13 plan allows such modification and will allow the Debtor to successfully complete his Chapter 13 plan and reorganize his estate.
4. The dividend to general unsecured creditors shall decrease to 1% and the Debtor will surrender future tax refunds.
5. Attached is an amended family budget along with a certification of the Debtor.

**STATEMENT OF IMPACT**

6. The Debtor's Chapter 13 plan payment shall decrease to \$275.00 bi-weekly.
7. The dividend to general unsecured creditors will decrease to 1% and the Debtor will surrender future tax refunds.
8. The new base shall be \$47,358.98, increased by future tax refunds.
9. The unsecured pool shall be zero.

10. A new payroll deduction shall issue to Taylor Management, 1165 Dublin Road, Suite 200, Columbus, Ohio 43215.
11. There shall be no change in treatment to other secured creditors.
12. No other terms of the confirmation order shall be affected by this modification.

Respectfully submitted,

/s/ James A. Flexer  
James A. Flexer, BPR #9447  
Attorney for Debtor  
Law Offices of James A. Flexer  
1900 Church Street, Suite 400  
Nashville, TN 37203  
(615) 255-2893  
fax: (615) 242-8849  
[cm-ecf@jamesflexerconsumerlaw.com](mailto:cm-ecf@jamesflexerconsumerlaw.com)

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

Dabney, Alexander

CASE NO:  
CHAPTER 13  
JUDGE

16-03505

Randal S. Mashburn

	OLD	NEW	INCOME	OLD	NEW
Date of Budget					
Rent/Mortgage Payment	\$1,115.00	\$865.00	Debtor's net pay	\$3,675.00	\$2,594.00
<b>UTILITIES</b>			Spouse's net pay		
Electric	\$140.00	\$125.00	Regular Other		
Water	\$45.00	\$35.00	Income		
Heat			Support/Alimony		
Telephone	\$200.00	\$130.00	Pension/SS/VA		
Trash			Misc. Income		
Cable	\$180.00	\$101.00	<b>TOTAL INCOME</b>	<b>\$3,675.00</b>	<b>\$2,594.00</b>
<b>Total Utilities</b>	<b>\$565.00</b>	<b>\$391.00</b>	<b>Total Expenses</b>	<b>\$2,276.00</b>	<b>\$1,999.00</b>
Food	\$150.00	\$200.00			
Clothing	\$25.00	\$25.00	Plan Payment	\$1,399.00	\$595.00
Laundry and Dry Cleaning	\$25.00	\$25.00	Total Expenses		
Newspapers, Books, etc.	\$2.00	\$0.00	plus Plan Payment	<b>\$3,675.00</b>	<b>\$2,594.00</b>
Medical and Dental	\$50.00	\$115.00			
Transportation	\$150.00	\$125.00	Difference:	<b>\$0.00</b>	<b>\$0.00</b>
<b>INSURANCE</b>					
Auto	\$160.00	\$253.00	<b>DEPENDANTS</b>	0	0
Life					
Home					
Renters					
Other			<b>Statement of Impact</b>		
Property taxes					
Health Insurance			Duration of Plan	60	60
<b>Total Insurance</b>	<b>\$160.00</b>	<b>\$253.00</b>	Dividend to U/S	80%	1%
Taxes (not deducted from wages)					
Child support			Change in treatment		
Home Maintenance	\$34.00	\$0.00	to Secured Creditors		
Other Monthly Expenses(explain)					
Haircuts/toiletries/cleaning supplies					
<b>Total Monthly Expenses</b>	<b>\$2,276.00</b>	<b>\$1,999.00</b>			

**CERTIFICATION**

I, the undersigned, do hereby certify under penalties of perjury that I have read and understood the foregoing amended monthly family budget and it is true and correct to the extent of my knowledge, information, and belief.

11/03/2016  
Date

/s/ Alexander Dabney  
Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debtor

# **DRAFT**

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

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5877 Parliament Dr	}	Chapter 13
Columbus, OH 43213	}	
SSN: xxx-xx-8831	}	Judge Randal S. Mashburn
	}	
Debtor	}	

### **PROPOSED ORDER GRANTING MOTION TO MODIFY CHAPTER 13 PLAN**

It appears to the United States Bankruptcy Court for the Middle District of Tennessee that the Debtor filed a Motion to Modify Chapter 13 plan and notice of said motion has been given pursuant to L.B.R. 9013-1 to all parties in interest. It further appears to the Court that twenty-one (21) days have elapsed since the date of service of the motion and no responses have been forthcoming from any party in interest.

It is therefore ORDERED as follows:

1. The Debtor shall be permitted to modify his Chapter 13 plan due to a substantial decrease in income.
2. The Debtor's Chapter 13 plan payment shall decrease to \$275.00 bi-weekly.
3. The dividend to general unsecured creditors shall be reduced to 1% and the Debtor will surrender future tax refunds to the plan.
4. The new base shall be \$47,358.98, increased by future tax refunds.
5. A new payroll deduction order shall issue to Taylor Management, 1165 Dublin Road, Suite 200, Columbus, Ohio 43215.
6. The unsecured pool shall be zero.
7. No other terms of the confirmation order shall be affected by this modification.

IT IS SO ORDERED.

*This order was electronically signed and entered as indicated at the top of the first page.*

APPROVED FOR ENTRY:

/s/ James A. Flexer

James A. Flexer, BPR #9447

Attorney for Debtor

1900 Church Street, Suite 400

Nashville, TN 37203

(615) 255-2893

fax: (615) 242-8849

[cm-ecf@jamesflexerconsumerlaw.com](mailto:cm-ecf@jamesflexerconsumerlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2016, I furnished a true and correct copy of the foregoing to the following parties in interest:

Henry E. Hildebrand, III  
Chapter 13 Trustee  
P.O. Box 340019  
Nashville, TN 37203-0019

Electronic

Sam Crocker, U.S. Trustee  
318 Customs House, 701 Broadway  
Nashville, TN 37203

Electronic

Alexander Dabney  
5877 Parliament Drive  
Columbus, OH 43213

U.S. mail first class

26 notices have been served. I have mailed 24 notices.

/s/ James A. Flexer  
James A. Flexer



Creditor

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**ADVANCE FINANCIAL**  
1901 CHURCH STREET  
Nashville TN 37203

**AMERICAN CAR CENTER**  
1635 BELL ROAD  
Nashville TN 37211

**Avid Acceptance Llc**  
6995 Union Park Center  
Midvale UT 84047

**AVID ACCEPTANCE LLC**  
6995 UNION PARK CENTER STE 450  
MIDVALE UT 84047

**BRIGHTON VALLEY APARTMENTS**  
500 BROOKSBORO TERRACE  
Nashville TN 37217

**Capital One**  
PO Box 30285  
Salt Lake City UT 84130

**Capital One Bank (USA), N.A.**  
PO Box 71083  
Charlotte, NC 28272-1083

**CENTENIAL MEDICAL CENTER**  
P.O. BOX 740757  
Cincinnati OH 45274

**Central Credit Service**  
Po Box 7230  
Overland Park KS 66207

**COMMERICAL WATER AND ENERGY**  
PO BOX 653609  
Miami FL 33265

**Dept Of Ed/Navient**  
Attn: Claims Dept  
PO Box 9400 Wilkes Barr PA 18773

**DISTRICT AT SEVEN SPRING**  
300 SEVEN SPRINGS WAY  
Brentwood TN 37027

**Electric Service Cr Un**  
1214 Church St. Suite 100  
Nashville TN 37203

**Exeter Finance Corp**  
PO Box 166008  
Irving TX 75016

**Exeter Finance Corp.**  
P.O. Box 167399  
Irving, TX 75016

**HARPETH FINANCIAL SERVICES LLC**  
DBA ADVANCE FINANCIAL  
c/o John R. Cheadle, Jr., Esq. 2404 Crestmoor Road Nashville, TN 37215

**InSolve Auto Funding, LLC, c/o Capital Recovery Gr**  
Dept 3403  
PO Box 123403 Dallas, TX 75312-3403

**Navient Solutions Inc.**  
Department of Education Loan Services  
P.O. Box 9635 Wilkes-Barre, PA 18773-9635

Creditor

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**Receivable Solution Sp**

422 Main St  
Natchez MS 39120

**STATE OF OHIO**

CHARLES MIFSUD, SPECIAL COUNSEL  
326 S. HIGH STREET ANNEX, SUITE 201 Columbus OH 43215

**STONE & HINDS, P.C.**

RE: AVID ACCEPTANCE  
507 GAY STREET S.W., STE. 700 Knoxville TN 37902

**UTILITY BILLING SERVICES**

PO BOX 31569  
Clarksville TN 37040

**VANDERBILT MEDICAL GROUP**

DEPT 1208  
PO BOX 121208 Dallas TX 75312